

Decision No. 46744**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of J. M. ATTHOWE dba)
 EAST BAY DRAYAGE & WAREHOUSE COMPANY)
 to transfer certain operating rights) Application No. 33060
 to C. H. and J. M. ATTHOWE dba EAST)
 BAY DRAYAGE & WAREHOUSE COMPANY.)

O P I N I O N

Applicant J. M. Atthowe, doing business as East Bay Drayage & Warehouse Company has been engaged in the business of transporting property as a highway common carrier as defined by Sections 209 and 213 of the Public Utilities Code under authority (1) of this Commission. Said applicant desires, under authority of Section 851 of the Public Utilities Code, to transfer his operating rights to a partnership to be composed of his son, C. H. Atthowe, and himself. ✓

The consideration for the transfer is the sum of \$13,934.74 cash payable by the applicant son, C. H. Atthowe, to said J. M. Atthowe, the father, upon approval of this application by this Commission. The equipment presently operated in the business will be transferred to and operated by the partnership when formed. Both partners will participate in the operation of the business. ✓

Upon the facts as alleged in the verified application, the Commission finds that the public convenience and necessity will not be adversely affected by approval of the proposed transfer of operative rights and property with which we are here concerned. The necessary authority will, therefore, be granted. A public hearing is unnecessary. The action taken herein shall not be construed to be a finding of the value of the properties herein authorized to be transferred.

(1) Decision No. 39223, dated July 30, 1946, in Application No. 27633, Decision No. 41367, dated March 23, 1948, in Application No. 27991 and Decision No. 42610, dated March 15, 1948, in Application No. 29662.

O R D E R

An application therefor having been filed and the Commission having found that the public convenience and necessity will not be adversely affected,

IT IS ORDERED:

(1) That J. M. Atthowe, doing business as East Bay Drayage & Warehouse Company, after the effective date hereof and on or before April 1, 1952, may sell and transfer to himself and his son, C. H. Atthowe, as partners doing business as East Bay Drayage & Warehouse Company, his highway common carrier operative rights described in the preceding opinion together with the automotive equipment described in the application and that said partners may acquire said operating rights and equipment upon the consideration stated in the foregoing opinion and thereafter exercise all rights under said certificates of public convenience and necessity held by applicant, J. M. Atthowe. ✓

(2) That the authority herein granted is subject to the following conditions:

(a) Within thirty (30) days after the consummation of the transfer herein authorized the applicants as partners shall notify the Commission in writing of that fact and shall, within said period, file with the Commission a true copy of any bill of sale or other instrument of transfer which may have been executed to effect said transfer.

(b) Applicants shall file in triplicate, and concurrently make effective, appropriate tariffs and time schedules, if any, on not less than five (5) days' notice to the Commission and the public. ✓

Except as otherwise expressly provided, the effective date of this order shall be twenty (20) days after the date hereof. ✓

Dated at San Francisco, California, this 13th day of February, 1952.

A. J. [Signature]
President
Justin J. [Signature]
Harold P. [Signature]
Samuel H. [Signature]
John E. [Signature]
Commissioners